



Baslum & 2 others v Abdikadir & 3 others (Environment and Land Miscellaneous Application E006 of 2022) [2022] KEELC 2588 (KLR) (16 May 2022) (Ruling)

Neutral citation: [2022] KEELC 2588 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E006 OF 2022
PM NJOROGE, J
MAY 16, 2022**

BETWEEN

**OMAR SALIM BASLUM 1ST PLAINTIFF
ALI SHARIF HUSSEIN 2ND PLAINTIFF
NASIR SHARIFF ABDINOOR 3RD PLAINTIFF**

AND

**ADAN BORU ABDIKADIR 1ST DEFENDANT
ABDINUR ABDIKADIR 2ND DEFENDANT
NURI ABDIKADIR 3RD DEFENDANT
FATUMA ABDIKADIR 4TH DEFENDANT**

RULING

1. This application is dated April 27, 2022. The applicants state that they have brought it to court under section 1A, 1B, 3, 17 and 18 of the *Civil Procedure Act* and orders 37 and 51 of the *Civil Procedure Rules*.
2. The applicants seek the following orders:
 1. That the honourable court be pleased to order the transfer of the Principal Magistrate's Court ELC Case No 1 of 2019 from the Marsabit Environment and Land Court to Isiolo Environment and Land Court for hearing and final determination.
 2. That the costs of this application does abide the outcome of the suit.
 3. The application is supported by the affidavit of Advocate Kiprotich William Kiget sworn on April 27, 2022 and has the following grounds:



- a. That on August 31, 2020 the Honourable Magistrate at Marsabit recused himself and directed that the matter be mentioned for directions in Meru Law Courts.
 - b. That the plaintiff's advocates offices are situated in Isiolo and the defendants/ applicants advocates offices are situated in Nanyuki and all the parties have mutually agreed that the matter be transferred to Isiolo Land and Environment Court which is convenient to the parties and their advocates on record.
 - c. That it is in the interest of justice that the prayers sought are granted.
4. Although the applicants have not annexed documents such as the plaint, defence and other pleadings, I will reluctantly allow the application in the greater interest of justice after taking into account that the parties have proffered a consent which is in the following terms:

Consent

By consent between the parties herein, the defendants/applicants application dated April 26, 2022 be allowed as follows: -

1. That the honourable court be pleased to allow the application as prayed since the plaintiffs are not opposed to the matter being transferred to Isiolo Environment and Land Court for hearing and final determination.
2. That the costs of this application does abide the outcome of the suit.

Dated at Nanyuki this April 27, 2022.

Mukira Mbaya & Co Advocates for the 1st, 2nd, 3rd plaintiffs/respondents.

Kiget & Co Advocate for the 1st, 2nd 3rd and 4th defendants/applicants.

5. Consequently, this application is hereby allowed.

DELIVERED IN OPEN COURT THIS 16TH DAY OF MAY, 2022 IN THE ABSENCE OF THE PARTIES AT ISIOLO IN THE PRESENCE OF:

Court Assistant: Balози

Hon Justice PM Njoroge

Judge

